

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2362 - SB 2297

March 18, 2020

**SUMMARY OF ORIGINAL BILL:** Authorizes each county executive committee chair and county primary board chair to designate up to two, rather than one, representatives to be present when a county election commission certifies voting machines are prepared for use in an election.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (017320):** Deletes all language after the enacting clause. Establishes that counties using an electronic ballot marking system or ballot-on-demand technology do not have to fasten paper ballots and ballot stubs together in books so that each ballot may be detached and removed separately. Establishes that counties using an electronic ballot marking system or ballot-on demand technology do not have to preprint ballot stub numbers on the paper ballot. Requires a local county election commission to reconcile the number of ballot applications with the number of ballots recorded by the optical scanner and issue a written report if the totals differ.

Deletes the provision prohibiting an elected official or an employee of a state, county, municipal, or federal governmental body or agency or of an elected official from serving as a member of a county primary board. Deletes the provision prohibiting an elected official or an employee of a county, municipal, or federal governmental body or agency or of an elected official from serving as an election official. Prohibits any person whose relationship to a candidate to be voted for in an election is the result of birth, marriage, or adoption, from serving as an election official in the precinct or district of the election. Prohibits an employee of a county or city who works directly under the supervision of an elected official who is on the ballot from serving as an election official.

Defines, for use in this legislation, an emergency as a natural, technological, or manmade occurrence that results in a polling place being unavailable or unsuitable for voting. Establishes that a natural threat includes disease, outbreaks, and epidemics. Establishes that when an emergency occurs within ten days of an election day, county election commissions are required to: gain approval for the change in polling place from the Coordinator of Elections, choose the nearest available polling place, and provide notice of any changes as widely as possible under the circumstances through media.

Authorizes county election commissions to appoint election officials for specific terms that begin or expire at designated times during an election day. Decreases, from 17 to 16 years old, the minimum age of a person authorized to serve as an election official.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 2-5-207(c), all paper ballots used in a polling place are required to be fastened together in books so that each ballot may be detached and removed separately. Each ballot stub is required to be attached to each ballot.
- Pursuant to Tenn. Code Ann. § 2-7-114(c)(2), in a county using a ballot marking device, or any other electronic ballot marking system, the election official records the ballot stub number on the ballot and attaches the stub to the ballot.
- The proposed legislation authorizes counties using an electronic ballot marking system or ballot-on-demand technology approved by the Coordinator of Elections not to preprint a ballot stub on paper ballots.
- Any counties that choose not to preprint ballot stubs on paper ballots are not estimated to experience a significant decrease in printing expenditures.
- County election commissions in any county that does not preprint ballot stubs on paper ballots can reconcile the number of ballots to the number of ballots recorded by the optical scanner used to tabulate the ballots within existing resources.
- Pursuant to Tenn. Code Ann. § 2-4-106, the local county election commission nominates appointees to, and is authorized to refuse nominations for, positions of election officials.
- Pursuant to Tenn. Code Ann. § 2-13-108, state primary boards appoint five members in each county to serve on a county primary board.
- Authorizing additional people to be qualified to be chosen as an election official or member of a county primary board is not estimated to significantly impact the policies or procedures of the state Division of Elections or local county election commissions.
- Pursuant to Tenn. Code Ann. § 2-3-101(a), a polling place is authorized to be changed within ten days of an election during an emergency.
- The proposed legislation defines emergency and requires the Coordinator of Elections to approve the change in polling place if the emergency occurs within ten days of an election.
- The Coordinator of Elections can approve any change of polling place in an emergency within existing resources.
- County election commissions are required to appoint a minimum number of election officials pursuant to Tenn. Code Ann. § 2-4-102(a).
- The proposed legislation will not decrease the workload required of election officials during election days; therefore, authorizing county election commissions to specify terms that begin or expire at designated times during an election day for individual

election officials is not estimated to cause a significant increase or decrease in local compensation expenditures.

- Decreasing, from 17 to 16 years old, the minimum age of a person authorized to serve as an election official will expand the pool of candidates for such positions; however, any impact on local government expenditures is estimated to be not significant.
- No significant fiscal impact to state or local government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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